

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE BOSTON SCIENTIFIC CORP.
PELVIC REPAIR SYSTEM PRODUCTS
LIABILITY LITIGATION

MDL No. 2326

THIS DOCUMENT RELATES TO

BOSTON SCIENTIFIC WAVE 7 CASES LISTED IN BOSTON SCIENTIFIC'S MOTION EXHIBIT A

**BOSTON SCIENTIFIC'S REPLY IN SUPPORT OF MOTION TO EXCLUDE THE
OPINIONS AND TESTIMONY OF PLAINTIFFS' EXPERT, DR. JIMMY MAYS**

As noted in Boston Scientific's initial Motion, Dr. Mays's testing (both explant and TGA) has been previously excluded by the Court and should be excluded again. *In Re: Boston Sci. Corp. Pelvic Repair Sys. Prods. Liab. Lit.*, MDL No. 2326, 2018 WL 2426132, at * 2 (S.D. W. Va. May 29, 2018) (excluding TGA testing); *Tyree v. Boston Sci. Corp.*, 54 F.Supp.3d 501, 539 (S.D. W. Va. 2014) (excluding explant testing as unreliable). As this Court has previously recognized, mere publication of unreliable testing does not make it reliable. *Mathison v. Bos. Sci. Corp.*, No. 2:13-CV-05851, 2015 WL 2124991, at *26 (S.D.W. Va. May 6, 2015) (“‘[p]ublication (which is but one element of peer review) is not a *sine qua non* of admissibility; it does not necessarily correlate with reliability,’ and is not dispositive.”). As it has done before, this Court should exclude Dr. Mays from “specifically referencing the unreliable testing he conducted with Dr. Gido” or that such testing was published. *Sanchez v. Boston Sci. Corp.*, 2014 W: 4851989, *29 (S.D.W. Va. Sept. 29, 2014). For all the reasons previously considered by the Court, Dr. Mays's testing opinions should be excluded.

Dated: November 25, 2019

Respectfully submitted,

By: /s/ Jon A. Strongman
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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2019, a true and correct copy of Defendant Boston Scientific Corporation's Reply was served via electronic mail with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF counsel of record.

Respectfully submitted,

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